

HERITAGE AND ARTS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions related to the Department of Heritage and Arts (the department).

Highlighted Provisions:

This bill:

- defines terms;
- modifies provisions related to the department's requirements for pass-through funding;
- modifies provisions related to the Utah Commission on Service and Volunteerism;
- modifies provisions related to the State Library Board, county library boards, and city library boards;
- creates the Division of Multicultural Affairs within the department and describes the division's responsibilities;
- creates the Utah Multicultural Commission and describes the commission's membership and responsibilities;
- creates the Utah Martin Luther King, Jr. Human Rights Commission and describes the commission's membership and responsibilities; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-1-201, as last amended by Laws of Utah 2018, Chapter 200

9-1-805, as last amended by Laws of Utah 2013, Chapter 38

9-1-809, as last amended by Laws of Utah 2013, Chapter 38

- 33 **9-1-810**, as last amended by Laws of Utah 2013, Chapter 38
34 **9-7-101**, as last amended by Laws of Utah 2017, Chapter 48
35 **9-7-202**, as enacted by Laws of Utah 1992, Chapter 241
36 **9-7-204**, as last amended by Laws of Utah 2016, Chapter 144
37 **9-7-402**, as renumbered and amended by Laws of Utah 1992, Chapter 241
38 **9-7-403**, as last amended by Laws of Utah 1997, Chapter 10
39 **9-7-404**, as renumbered and amended by Laws of Utah 1992, Chapter 241
40 **9-7-405**, as last amended by Laws of Utah 2005, Chapter 48
41 **9-7-406**, as renumbered and amended by Laws of Utah 1992, Chapter 241
42 **9-7-407**, as renumbered and amended by Laws of Utah 1992, Chapter 241
43 **9-7-408**, as renumbered and amended by Laws of Utah 1992, Chapter 241
44 **9-7-409**, as renumbered and amended by Laws of Utah 1992, Chapter 241
45 **9-7-502**, as last amended by Laws of Utah 1994, Chapter 45
46 **9-7-503**, as last amended by Laws of Utah 1993, Chapters 4, 78, and 227
47 **9-7-504**, as last amended by Laws of Utah 2010, Chapter 378
48 **9-7-505**, as last amended by Laws of Utah 2003, Chapter 47
49 **9-7-506**, as last amended by Laws of Utah 1993, Chapter 227
50 **9-7-507**, as last amended by Laws of Utah 2003, Chapter 47
51 **9-7-509**, as last amended by Laws of Utah 2003, Chapter 47
52 **9-8-102**, as last amended by Laws of Utah 2017, Chapter 48
53 **9-8-202**, as renumbered and amended by Laws of Utah 1992, Chapter 241
54 **9-8-204**, as last amended by Laws of Utah 2010, Chapter 286
55 **9-8-206**, as renumbered and amended by Laws of Utah 1992, Chapter 241
56 **9-8-805**, as last amended by Laws of Utah 2009, Chapter 388

57 ENACTS:

- 58 **20-1-101**, Utah Code Annotated 1953
59 **20-1-102**, Utah Code Annotated 1953
60 **20-2-101**, Utah Code Annotated 1953
61 **20-2-102**, Utah Code Annotated 1953
62 **20-2-103**, Utah Code Annotated 1953
63 **20-3-101**, Utah Code Annotated 1953

64 **20-3-102**, Utah Code Annotated 1953

65 **20-4-101**, Utah Code Annotated 1953

66 **20-4-102**, Utah Code Annotated 1953

67 REPEALS:

68 **9-8-601**, as enacted by Laws of Utah 1991, Chapter 30

69 **9-8-602**, as enacted by Laws of Utah 1991, Chapter 30

70 **9-8-603**, as enacted by Laws of Utah 1991, Chapter 30

71

72 *Be it enacted by the Legislature of the state of Utah:*

73 Section 1. Section **9-1-201** is amended to read:

74 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

75 (1) There is created the Department of Heritage and Arts.

76 (2) The department shall:

77 (a) be responsible for preserving and promoting the heritage of the state, the arts in the
78 state, and cultural development within the state;

79 (b) perform heritage, arts, and cultural development planning for the state;

80 (c) coordinate the program plans of the various divisions within the department;

81 (d) administer and coordinate all state or federal grant programs which are, or become,
82 available for heritage, arts, and cultural development;

83 (e) administer any other programs over which the department is given administrative
84 supervision by the governor;

85 (f) submit an annual written report to the governor and the Legislature as described in
86 Section 9-1-208;

87 (g) ensure that any training or certification required of a public official or public
88 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
89 22, State Training and Certification Requirements, if the training or certification is required:

90 (i) under this title;

91 (ii) by the department; or

92 (iii) by an agency or division within the department; and

93 (h) perform any other duties as provided by the Legislature.

(3) The department may solicit and accept contributions of money, services, and facilities from any other sources, public or private, but may not use those contributions for publicizing the exclusive interest of the donor.

(4) Money received under Subsection (3) shall be deposited in the General Fund as restricted revenues of the department.

(5) (a) For a pass-through funding grant of [~~\$25,000 or more~~] \$50,000 or less, the department shall make [~~quarterly disbursements~~] an annual disbursement to the pass-through funding grant recipient[~~, contingent upon the department receiving a quarterly progress report from the pass-through funding grant recipient~~].

(b) For a pass-through funding grant of more than \$50,000, the department shall make a semiannual disbursement to the pass-through funding grant recipient, contingent upon the department receiving a semiannual progress report from the pass-through funding grant recipient.

~~[(b)]~~ (c) The department shall:

(i) provide the pass-through funding grant recipient with a progress report form for the reporting purposes described in Subsection (5)[~~(a)~~] (b); and

(ii) include reporting requirement instructions with the form.

Section 2. Section **9-1-805** is amended to read:

9-1-805. Election of commission chair and vice chair.

(1) [~~The~~] Subject to Subsection (2), the voting members of the commission shall elect a chair and a [~~vice-chair~~] vice chair from among the voting members of the commission.

(2) The voting members of the commission may not elect the lieutenant governor as chair or vice chair of the commission.

~~[(2)]~~ (3) The chair and [~~vice-chair~~] vice chair shall serve for a term of one year.

Section 3. Section **9-1-809** is amended to read:

9-1-809. Commission duties.

(1) The commission shall:

(a) [~~assist in~~] administer the selection, development, and oversight of programs funded and established by the act;

(b) pursue opportunities for sustainable and high-impact community service;

(c) develop and annually update a three-year community service plan for the state,

including the establishment of state priorities; and

(d) stimulate increased community awareness of the impact of volunteer service in the state.

(2) (a) The commission may, subject to Title 63J, Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive and accept private gifts, donations, or funds from any source.

(b) Money received under this Subsection (2) shall be deposited with the state and shall be available to the commission to carry out the purposes of this part.

Section 4. Section **9-1-810** is amended to read:

9-1-810. Appointment of director -- Reporting.

(1) The executive director, in consultation with the board, shall appoint a director of the commission who is:

(a) experienced in administration; and

(b) qualified by education or training in the field of public administration.

(2) The director of the commission shall report to the executive director.

~~[(+)]~~ (3) The commission shall:

(a) report to the office of the lieutenant governor[-]; and

(b) by January 1, provide an annual written report to the lieutenant governor on service and volunteerism in the state.

~~[(2)]~~ (4) The [Department of Heritage and Arts] department shall provide administrative and staff support services to the commission.

Section 5. Section **9-7-101** is amended to read:

9-7-101. Definitions.

As used in this chapter:

(1) "Board" means the State Library Board created in Section 9-7-204.

~~[(+)]~~ (2) "Division" means the State Library Division.

~~[(2)]~~ (3) "Library board" means the library board of directors appointed locally as authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for library services within a city or county of the state, regardless of the title by which the board is known locally.

~~[(3)]~~ (4) "Physical format" means a transportable medium in which analog or digital

information is published, such as print, microform, magnetic disk, or optical disk.

~~[(4)]~~ (5) "Policy" means the public library online access policy adopted by a library board to meet the requirements of Section 9-7-215.

~~[(5)]~~ (6) "Political subdivision" means a county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.

~~[(6)]~~ (7) "State agency" means:

(a) the state~~[-]; or~~

(b) an office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state.

~~[(7)]~~ (8) (a) "State publication" means a book, compilation, directory, document, contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map, monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution, register, rule, report, statute, audiovisual material, electronic publication, micrographic form and tape or disc recording regardless of format or method of reproduction, issued or published by a state agency or political subdivision for distribution.

(b) "State publication" does not include correspondence, internal confidential publications, office memoranda, university press publications, or publications of the state historical society.

Section 6. Section **9-7-202** is amended to read:

9-7-202. Appointment of director.

~~[(1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.]~~

~~[(2) The director shall have a degree from an institution approved by the American Library Association in library science and shall have demonstrated administrative ability.]~~

The executive director, in consultation with the board, shall appoint a director of the division:

(1) to serve as the chief administrative officer of the division; and

(2) who has a degree from an accredited institution in library science and has demonstrated administrative ability.

Section 7. Section **9-7-204** is amended to read:

9-7-204. State Library Board -- Members -- Meetings -- Expenses.

(1) There is created within the department the State Library Board.

(2) (a) The board shall consist of nine members appointed by the governor.

(b) One member shall be appointed on recommendation from each of the following:

(i) the State Board of Education; and

~~[(ii) the Board of Control of the State Law Library;]~~

~~[(iii) the Office of Legislative Research and General Counsel; and]~~

~~[(iv)]~~ (ii) the Utah System of Higher Education.

(c) Of the ~~[five]~~ seven remaining members at least two shall be appointed from rural areas.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) The members may not serve more than two full consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as originally appointed.

(6) ~~[Five members]~~ A simple majority of the members of the board ~~[constitute]~~ constitutes a quorum for conducting board business.

(7) The governor shall select one of the board members as chair who shall serve for a period of two years.

(8) The director of the State Library Division ~~[shall be]~~ is the executive officer of the board.

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 8. Section **9-7-402** is amended to read:

9-7-402. Library board of directors -- Expenses.

(1) When the city governing body decides to establish and maintain a city public library under the provisions of this part, it shall appoint a library board of directors of not less than five members and not more than nine members, chosen from the citizens of the city and based upon their fitness for the office.

(2) Only one member of the city governing body may be, at any one time, a member of the library board.

(3) Each director shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

Section 9. Section **9-7-403** is amended to read:

9-7-403. Library board terms -- Officers -- Removal -- Vacancies.

(1) Each director of a library board shall be appointed for a three-year term, or until the successor to that director is appointed. Initially, appointments shall be made for one-, two-, and three-year terms. Annually thereafter, the city governing body shall, before the first day of July of each year, appoint for a three-year term directors to take the place of the retiring directors.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chairman and other officers.

(4) The city governing body may remove any director for misconduct or neglect of duty.

(5) Vacancies in ~~[the]~~ a library board of directors shall be filled for the unexpired term in the same manner as original appointments.

Section 10. Section **9-7-404** is amended to read:

9-7-404. Board powers and duties -- Library fund deposits and disbursements.

(1) The library board of directors may, with the approval of the city governing body:

(a) have control of the expenditure of the library fund, of construction, lease, or sale of library buildings and land, and of the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, erect, or sell buildings for the benefit of the library.

(2) The library board shall:

(a) maintain and care for the library;

(b) establish policies for its operation; and

(c) in general, carry out the spirit and intent of the provisions of this part.

(3) All tax money received for the library shall be deposited in the city treasury to the credit of the library fund, and may not be used for any purpose except that of the city library. These funds shall be drawn upon by the authorized officers of the city upon presentation of the properly authenticated vouchers of the library board. All money collected by the library shall be deposited to the credit of the library fund.

Section 11. Section **9-7-405** is amended to read:

9-7-405. Rules -- Use of library.

(1) The library board of directors shall make, amend, and repeal rules, not inconsistent with law, for the governing of the library.

(2) Each library established under this part shall be free to the use of the inhabitants of the city where located, subject to the rules adopted by the library board. The library board may exclude from the use of the library any person who willfully violates these rules. The library board may extend the privileges and use of the library to persons residing outside of the city upon terms and conditions it may prescribe by rule.

Section 12. Section **9-7-406** is amended to read:

9-7-406. Reports to governing body and director of the division.

The library board of directors shall:

(1) ~~[make]~~ provide an annual report to the city governing body on the condition and operation of the library, including a financial statement; and

~~[(2) provide for the keeping of records required by the State Library Board in its request for an annual report from the public libraries, and submit that annual report to the State Library Board.]~~

(2) provide an annual report to the director of the division that contains the information required by the State Library Board.

Section 13. Section **9-7-407** is amended to read:

9-7-407. Librarian and other personnel.

(1) The library board of directors shall appoint a competent person as librarian to have immediate charge of the library with those duties and compensation for services that it determines. The librarian shall act as the executive officer for the library board.

(2) The library board shall appoint, upon the recommendation of the librarian, other personnel as needed.

Section 14. Section **9-7-408** is amended to read:

9-7-408. Donations of money or property.

Any person desiring to make donations of money, personal property, or real estate for the benefit of any library shall have the right to vest the title to the money, personal property, or real estate in the library board of directors. The donation shall be held and controlled by the library board, when accepted, according to the terms of the deed, gift, devise, or bequest of the property, and the library board shall be held and considered to be trustees of the property.

Section 15. Section **9-7-409** is amended to read:

9-7-409. Entities may cooperate, merge, or consolidate in providing library services.

[Boards] Library boards of directors of city libraries, library boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate, merge, or consolidate in providing library services.

Section 16. Section **9-7-502** is amended to read:

9-7-502. Library board of directors -- Expenses.

(1) (a) When the county legislative body decides to establish and maintain a county public library under the provisions of this part, the county executive shall, with the advice and consent of the county legislative body, appoint a library board of not less than five and not more than nine directors chosen from the citizens of the county and based upon their fitness for the office.

(b) When increasing membership on an existing library board, the county legislative body:

- (i) may not add more than two positions in any year; and
- (ii) when adding members, shall ensure that the terms of library board members are staggered so that approximately 1/4 of the board is selected each year.

(2) Only one member of the county legislative body may be, at any one time, a member of the library board.

(3) Each director shall serve without compensation, but the actual and necessary

expenses incurred in the performance of the director's official duties may be paid from library funds.

Section 17. Section **9-7-503** is amended to read:

9-7-503. Library board terms -- Officers -- Removal -- Vacancies.

(1) Each director of a library board shall be appointed for a four-year term, or until the director's successor is appointed. Initially, appointments shall be made for one-, two-, three-, and four-year terms, and one member of the county legislative body for the term of his elected office. Annually thereafter, the county executive body shall, before the first day of July of each year, appoint, with the advice and consent of the county legislative body, for a four-year term, one director to take the place of the retiring director.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chairman and other officers.

(4) The county executive body may remove any director for misconduct or neglect of duty.

(5) Vacancies in ~~the~~ a library board of directors shall be filled for the unexpired terms in the same manner as original appointments.

Section 18. Section **9-7-504** is amended to read:

9-7-504. Library board duties -- Library fund deposits.

(1) The library board of directors shall, with the approval of the county executive and in accordance with county ordinances, policies, and procedures:

(a) be responsible for:

(i) the expenditure of the library fund;

(ii) the construction, lease, or sale of library buildings and land; and

(iii) the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, construct, or sell buildings, for the benefit of the library.

(2) The library board has those powers and duties as prescribed by county ordinance, including establishing policies for collections and information resources that are consistent with state and federal law.

(3) (a) All tax money received for the library shall be deposited in the county treasury to the credit of the library fund, and may not be used for any purpose except that of the county

342 library.

343 (b) All money collected by the library shall be deposited to the credit of the library
344 fund.

345 Section 19. Section **9-7-505** is amended to read:

346 **9-7-505. Rules -- Use of library.**

347 (1) ~~[The]~~ Each library board shall make library rules in a manner consistent with
348 county ordinances, policies, and procedures for the governing of the library.

349 (2) Each library established under this part shall be free to the use of the inhabitants of
350 the area taxed for the support of the library, subject to the rules made as prescribed by county
351 ordinance.

352 Section 20. Section **9-7-506** is amended to read:

353 **9-7-506. Annual reports.**

354 The library board of directors shall:

355 (1) ~~[make]~~ provide an annual report to the county executive and county legislative
356 body on the condition and operation of the library, including a financial statement; and

357 ~~[(2) provide for the keeping of records required by the State Library Board in its
358 request for an annual report from the public libraries, and submit that annual report to the State
359 Library Board.]~~

360 (2) provide an annual report to the director of the division that contains the information
361 required by the State Library Board.

362 Section 21. Section **9-7-507** is amended to read:

363 **9-7-507. Librarian and other personnel.**

364 (1) (a) The library board of directors shall recommend to the county executive for
365 appointment a competent person to serve as librarian.

366 (b) The county executive shall, within 30 days of the recommendation, either make the
367 appointment or request that the library board submit another recommendation.

368 (c) The librarian shall be an employee of the county subject to the personnel policies,
369 procedures, and compensation plans approved by the county executive and county legislative
370 body.

371 (d) The librarian shall act as the executive officer for the library board.

372 (2) (a) All library personnel are employees of the county.

(b) The librarian or the librarian's designee shall hire library personnel in accordance with the county merit system, personnel policies and procedures, and compensation plans approved by the county executive and county legislative body.

(3) As used in this section "librarian" means the county library director.

Section 22. Section **9-7-509** is amended to read:

9-7-509. Entities may cooperate, merge, or consolidate in providing library services.

~~[Boards]~~ Library boards of directors of city libraries, library boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate in providing library services or merge or consolidate under an interlocal agreement approved and implemented in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

Section 23. Section **9-8-102** is amended to read:

9-8-102. Definitions.

As used in this chapter:

(1) "Board" means the Board of State History.

(2) "Director" means the director of the Division of State History.

(3) "Division" means the Division of State History.

(4) "Documentary materials" means written or documentary information contained in published materials, manuscript collections, archival materials, photographs, sound recordings, motion pictures, and other written, visual, and aural materials, except government records.

(5) "Historical artifacts" means objects produced or shaped by human efforts, a natural object deliberately selected and used by a human, an object of aesthetic interest, and any human-made objects produced, used, or valued by the historic peoples of Utah.

(6) "Society" means the Utah State Historical Society created in Section 9-8-207.

Section 24. Section **9-8-202** is amended to read:

9-8-202. Appointment of director.

~~[(1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.]~~

~~[(2) The director shall be experienced in administration and qualified by education or training in the field of state history.]~~

404 The executive director, in consultation with the board, shall appoint a director of the
405 division:

406 (1) to serve as the chief administrative officer of the division; and
407 (2) who is experienced in administration and is qualified by education or training in the
408 field of state history.

409 Section 25. Section **9-8-204** is amended to read:

410 **9-8-204. Board of State History.**

411 (1) There is created within the department the Board of State History.

412 (2) The board shall consist of 11 members appointed by the governor with the consent
413 of the Senate as follows:

414 (a) sufficient representatives to satisfy the federal requirements for an adequately
415 qualified State Historic Preservation Review Board; and

416 (b) other persons with an interest in the subject matter of the division's responsibilities.

417 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for
418 terms of four years and shall serve until their successors are appointed and qualified.

419 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
420 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
421 board members are staggered so that approximately half of the board is appointed every two
422 years.

423 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
424 appointed for the unexpired term with the consent of the Senate.

425 (5) ~~[Six members]~~ A simple majority of the board ~~[are]~~ constitutes a quorum for ~~[the~~
426 ~~transaction of]~~ conducting board business.

427 (6) The governor shall select a chair and vice chair from the board members.

428 (7) A member may not receive compensation or benefits for the member's service, but
429 may receive per diem and travel expenses in accordance with:

430 (a) Section 63A-3-106;

431 (b) Section 63A-3-107; and

432 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
433 63A-3-107.

434 Section 26. Section **9-8-206** is amended to read:

9-8-206. Historical magazine, books, documents, and microfilms -- Proceeds.

(1) The division shall, under the direction of the board:

(a) compile and publish an historical magazine to be furnished to supporting members of the society in accordance with membership subscriptions or to be sold independently of membership; and

(b) publish and sell other books, documents, and microfilms at reasonable prices to be approved by the director.

(2) Proceeds from sales under this section shall be ~~[retained in the treasury of the society]~~ deposited into the General Fund as restricted revenue of the society.

Section 27. Section **9-8-805** is amended to read:

9-8-805. Collecting institutions -- Perfecting title -- Notice.

(1) (a) ~~[Any]~~ A collecting institution wishing to perfect title in any repositied materials held by it shall send, by registered mail, a notice containing the information required by ~~[this section]~~ Subsection (2) to the last-known address of the last-known owner of the property.

~~[(b) The collecting institution shall publish a notice containing the information required by this section:]~~

~~[(i) if:]~~

~~[(A) the owner or the address of the owner of the repositied materials is unknown;]~~

~~[(B) the mailed notice is returned to the collecting institution without a forwarding address; or]~~

~~[(C) the owner does not claim the repositied materials within 90 days after the notice was mailed; and]~~

~~[(ii) (A) by publication at least once per week for two consecutive weeks in a newspaper of general circulation in the county where the collection institution is located; and]~~

~~[(B) by publication in accordance with Section 45-1-101 for two weeks.]~~

(b) In addition to the requirements of Subsection (1)(a), a collecting institution shall publish a notice containing the information required by Subsection (2) if:

(i) the owner or the address of the owner of the repositied materials is unknown;

(ii) the mailed notice is returned to the collecting institution without a forwarding address; or

(iii) the owner does not claim the repositied materials within 90 days after the day on

466 which the notice was mailed.

467 (c) If required to publish a notice under Subsection (1)(b), the collecting institution, in
468 accordance with Sections 45-1-101 and 45-1-102, shall publish the notice:

469 (i) at least once per week for two consecutive weeks in a newspaper of general
470 circulation in the county where the collecting institution is located; and

471 (ii) on the public legal notice website for at least two weeks.

472 (2) ~~[The notices]~~ Each notice required by this section shall include:

473 (a) the name, if known, and the last-known address, if any, of the last-known owner of
474 the repositied materials;

475 (b) a description of the repositied materials;

476 (c) the name of the collecting institution that has possession of the repositied materials
477 and a person within that institution whom the owner may contact; and

478 (d) a statement that if the repositied materials are not claimed within 90 days from the
479 ~~[date that]~~ day on which the notice is published in accordance with Subsection (1)(b), the
480 repositied materials are considered ~~[to be]~~ abandoned and become the property of the collecting
481 institution.

482 (3) If no one ~~[has claimed the]~~ claims repositied materials within 90 days after the ~~[date~~
483 ~~that the]~~ day on which notice is published in accordance with Subsection (1)(b), the repositied
484 materials are considered ~~[to be]~~ abandoned and are the property of the collecting institution.

485 Section 28. Section **20-1-101** is enacted to read:

486 **CHAPTER 20. DIVISION OF MULTICULTURAL AFFAIRS ACT**

487 **Part 1. General Provisions**

488 **20-1-101. Title.**

489 This chapter is known as the "Division of Multicultural Affairs Act."

490 Section 29. Section **20-1-102** is enacted to read:

491 **20-1-102. Definitions.**

492 As used in this chapter:

493 (1) "Commission" means the Utah Multicultural Commission created in Section
494 20-3-101.

495 (2) "Director" means the director of the Division of Multicultural Affairs.

496 (3) "Division" means the Division of Multicultural Affairs created in Section 20-2-101.

(4) "Human Rights Commission" means the Martin Luther King, Jr. Human Rights Commission created in Section 20-4-101.

Section 30. Section **20-2-101** is enacted to read:

Part 2. Division of Multicultural Affairs

20-2-101. Creation.

(1) There is created within the department the Division of Multicultural Affairs under the administration and general supervision of the executive director.

(2) The division shall be under the policy direction of the executive director in consultation with the director and the commission.

Section 31. Section **20-2-102** is enacted to read:

20-2-102. -- Responsibilities of the division.

The responsibilities of the division include:

(1) identifying the needs of the state's multicultural communities;

(2) promoting inclusiveness and cultivating trust and cooperation between the state and the state's multicultural communities; and

(3) working with state agencies to ensure the state provides equitable resources, services, and programs to address the needs of the state's multicultural communities.

Section 32. Section **20-2-103** is enacted to read:

20-2-103. -- Reporting requirements.

The division shall submit an annual written report to the department for inclusion in the department's annual report described in Section 9-1-208, which shall describe the activities and recommendations of:

(1) the division in meeting the division's responsibilities as described in this chapter;

(2) the commission in meeting the commission's responsibilities as described in this chapter, including the strategic plan described in Section 20-3-102; and

(3) the human rights commission in meeting the human rights commission's responsibilities as described in this chapter.

Section 33. Section **20-3-101** is enacted to read:

Part 3. Utah Multicultural Commission

20-3-101. Creation of commission -- Membership -- Rulemaking.

527 (1) There is created within the division the Utah Multicultural Commission.

528 (2) The commission shall consist of:

529 (a) the lieutenant governor, who shall serve as chair of the commission; and

530 (b) at least 14 additional members appointed by the governor to two-year terms.

531 (3) Notwithstanding the requirements of Subsection (2)(b), the governor shall at the
532 time of appointment adjust the length of terms to ensure that the terms of commission members
533 are staggered so that approximately half of the commission is appointed every two years.

534 (4) The commission shall meet at least six times per year.

535 (5) A majority of the members of the commission constitutes a quorum of the
536 commission at any meeting and the action of the majority of members present is the action of
537 the commission.

538 (6) A member appointed by the governor may be reappointed for one or more
539 additional terms.

540 (7) When a vacancy occurs in the membership, the governor shall appoint a
541 replacement for the unexpired term.

542 (8) A member may not receive compensation or benefits for the member's service, but
543 may receive per diem and travel expenses in accordance with:

544 (a) Sections 63A-3-106 and 63A-3-107; and

545 (b) rules made by the Division of Finance pursuant to Sections 63A-3-16 and
546 63A-3-107.

547 (9) The department shall make rules establishing the membership, duties, and
548 procedures of the commission in accordance with the requirements of:

549 (a) this chapter; and

550 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

551 (10) The department shall provide administrative support to the commission.

552 Section 34. Section **20-3-102** is enacted to read:

553 **20-3-102. Commission duties.**

554 The commission shall:

555 (1) cooperate with the division and state agencies to ensure access to culturally
556 competent programs and services that meet the needs of the state's multicultural communities;

557 (2) make recommendations to the director regarding policies, practices, and procedures

to ensure the proper delivery of state resources, services, and programs to the state's multicultural communities;

(3) cooperate with the division and state agencies to ensure proper outreach to the state's multicultural communities regarding state resources, services, and programs; and
(4) develop a strategic plan to identify needs, goals, and deliverables that will directly impact the most significant and urgent needs of the state's multicultural communities.

Section 35. Section **20-4-101** is enacted to read:

Part 4. Utah Martin Luther King, Jr. Human Rights Commission

20-4-101. Creation of human rights commission -- Membership -- Rulemaking.

(1) There is created within the division the Utah Martin Luther King, Jr. Human Rights Commission.

(2) (a) The human rights commission shall consist of 13 members appointed by the governor to two-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall at the time of appointment adjust the length of terms to ensure that the terms of human rights commission members are staggered so that approximately half of the human rights commission is appointed every two years.

(3) The governor shall appoint one of the members as chair of the human rights commission.

(4) The human rights commission shall meet at least quarterly.

(5) A majority of the members of the human rights commission constitutes a quorum of the human rights commission at any meeting and the action of the majority of members present is the action of the human rights commission.

(6) A member appointed by the governor may not serve more than two consecutive terms.

(7) When a vacancy occurs in the membership, the governor shall appoint a replacement for the unexpired term.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance pursuant to Sections 63A-3-16 and

589 63A-3-107.

590 (9) The department shall make rules establishing the membership, duties, and
591 procedures of the human rights commission in accordance with the requirements of:

592 (a) this chapter; and

593 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

594 (10) The department shall provide administrative support to the commission.

595 Section 36. Section **20-4-102** is enacted to read:

596 **20-4-102. Human rights commission duties.**

597 The human rights commission shall:

598 (1) promote Dr. Martin Luther King, Jr. Day by:

599 (a) encouraging appropriate ceremonies and activities commemorating the federal and
600 state holiday, which occurs on the third Monday of January each year;

601 (b) seeking to involve the public and private sectors in promoting diversity, equality,
602 and human rights;

603 (c) providing recommendations and assistance to government entities and private
604 organizations regarding the observance of the holiday;

605 (d) coordinating efforts with state residents of diverse backgrounds and with private
606 organizations regarding the observance of the holiday; and

607 (e) partnering with educational institutions to assist schools in promoting appropriate
608 events to honor human rights and the holiday; and

609 (2) report annually to the division regarding the activities of the commission.

610 Section 37. **Repealer.**

611 This bill repeals:

612 Section **9-8-601, Definitions.**

613 Section **9-8-602, Authority to write and publish county history -- Administration of**
614 **project.**

615 Section **9-8-603, Standards -- Publication.**